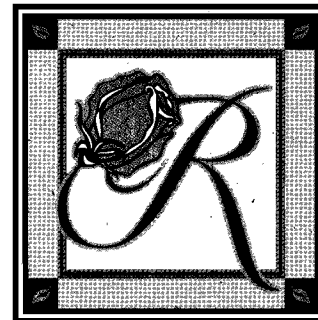


McLane, Bradford

THE ROSE FOUNDATION

For Communities & The Environment



2/5/08

Ms. Andrea Armstrong
US Department of Justice
Environment & Natural Resources Division
Policy, Legislative & Special Litigation Section
Box 4390
Washington, DC 20044-4390

Re: CSPA v. Trench Plate Rental Company

Dear Ms. Armstrong,

This letter is intended to provide assurance that I have received the proposed Consent Agreement between CSPA and Trench Plate Rental Company and that I am authorized by my Board of Directors to make the following binding commitments on behalf of the Rose Foundation.

- 1) I understand that the Rose Foundation should receive funds from Trench Plate Rental Company as specified in the Consent Agreement.
- 2) As specified in the Consent Agreement, the Rose Foundation shall only disburse the funds from Trench Plate Rental Company for environmentally beneficial projects within the San Joaquin River and Sacramento River Basins, the Sacramento-San Joaquin Delta, and the San Francisco Bay, relating to water quality improvements in those areas. None of the Trench Plate Rental Company funds shall be used to support political lobbying activity.
- 3) After the Trench Plate Rental Company funds have been disbursed, the Rose Foundation shall send a report to the Justice Department describing the project(s) supported with the Trench Plate Rental Company funds.

Rose Foundation for Communities and the Environment

The Rose Foundation is a 501(c)(3) public charity (tax ID #94-3179772). Its mission is to:

- Encourage communication and cooperation between businesses and their communities.
- Combat community deterioration by encouraging individuals to take responsibility for the environmental consequences of their own actions.
- Help government efforts to control pollution by increasing community involvement.
- Support job creation through the development of environmentally sound businesses.

6008 College Avenue, Suite 10 • Oakland, California 94618
(510) 658-0702 • fax: (510) 658-0732
email: rose@rosefdn.org • www.rosefdn.org



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- Harness economic power to leverage environmental sustainability.

A primary means by which the Rose Foundation accomplishes its mission is to disburse grants to non-profit organizations in furtherance of these charitable purposes. The Foundation does not fund political lobbying activities prohibited by Section 501(c)(3) of the IRS Code.

The Rose Foundation is governed by a Board of Directors. Grant applicants are required to submit written proposals, which must include at a minimum specific information about the goals and activities of the proposed project, background about the charitable applicant, budget information, and a specific funding request. The Foundation may require additional information in order to fully evaluate the application. Applications are first screened by Foundation staff. Staff then makes recommendations to the Foundation Board for action. The Foundation requires all projects to submit written reports within one year of receipt of award describing work conducted under the grant, thereby providing an accountability mechanism over funds awarded. Annual audits by the certified public accounting firm Levy and Powers are posted on the Foundation's website www.rosefdn.org.

I hope this provides you with the information you require. Please do not hesitate to contact me with any questions, or for additional information at (510) 658-0702 or tlittle@rosefdn.org.

Sincerely,



Tim Little
Executive Director